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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,096

03/12/2004

Clark Becker

3073

7625

7590

09/23/2004

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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,096

Applicant(s)

BECKER, CLARK

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1 and 6-7 are objected to because of the following informalities:

Re claim 1, lines 3-4: Substitute “the customer” with -- a customer’s --.

Re claim 6, line 6: Substitute “the customer’s” with -- a customer’s --.

Re claim 7, line 6: Substitute “authomatically” with -- automatically --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Butikofer (US 6,678,579).

Re claims 1-3 and 5-6: Butikofer discloses a kiosk system 10, comprising: means 30 for entering customer identifier; database containing customer identifier stored in association with the customer preferred internet portal; the database coupled to the means 30 for entering customer identifier for data communication therebetween (col. 4, line 27 through col. 5, line 26); display 11; means 18 for accessing the customer's preferred portal, the portal accessing means operatively coupled to the database and to the display for displaying the customer's preferred portal (col. 4, lines 8-26); wherein the means 30 for entering customer identifier includes a magnetic card reader 15 for reading a customer's card bearing a magnetic stripe that contains the customer identifier (col. 3, lines 11-31); wherein the means 30 for entering customer identifier includes an alpha-numeric keypad 12 (col. 2, lines 53-64); wherein the means 30 for entering the customer identifier includes a biometric reader (col. 2, lines 25-27 and lines 61-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butikofer in view of Terranova (US 6,704,774). The teachings of Butikofer have been discussed above.

Re claims 4 and 7-9: Butikofer have been discussed above but fail to teach or fairly suggest that means for entering the customer identifier includes a smart card reader for reading a smart card bearing a customer's identifier; automatically logging into the customer's preferred internet portal upon presenting the card to the card reader; respectively.

Terranova teaches a smart card containing user's identifier and a desire for content retrieval; upon reading the information from the smart card, the server 18 searches for and retrieves the desired content (col. 10, lines 43-62).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Terranova into the system as taught by Butikofer in order to provide Butikofer with a time consumption system, in which the desired information/web page is retrieved and displayed to the user readily without performing login sequence steps, and thus providing a convenience system for users who are on the rush.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Takagawa et al. (US 5987612 A); Keathley et al. (US 6247129 B1); Haefliger (US 6553104 B1); Zoka (US 6591249 B2); LUO et al. (CN 1402107 A); Boyles et al. (US 6738901 B1); Schinase et al (WO 99/30255); Curtis (US 5,812,765); Allen et al (US 6,776,332) are cited as of interest and illustrate to a similar structure of a speed pass system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon, Wed. and Fri. 5:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
September 20, 2004